

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

ROBERT W. BROWN,

Plaintiff,

vs.

CITY OF DAYTON, et al.,

Defendants.

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Case No. 3:08cv057

JUDGE WALTER HERBERT RICE

DECISION AND ENTRY ADOPTING REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (DOC. #3) IN THEIR
ENTIRETY, AND OVERRULING PLAINTIFF'S OBJECTIONS TO SAID
JUDICIAL FILING (DOC. #5); TERMINATION ENTRY

Pursuant to the reasoning and citations of authority set forth by the United States Magistrate Judge, in his Report and Recommendations of February 26, 2008 (Doc. #3), as well as upon a thorough *de novo* review of this Court's file, said Report and Recommendations are adopted in their entirety. The Plaintiff's Objections to said judicial filing (Doc. #5) are overruled.

Regrettably, from the Plaintiff's perspective, the time to file with the EEOC is dated from the date on which the alleged unlawful employment practice occurred, not the date on which the Common Pleas Court declined to reverse Plaintiff's

adverse employment action. The captioned cause is simply barred by a failure to file in timely fashion with the EEOC.

WHEREFORE, based upon the aforesaid, having adopted the Report and Recommendations of the United States Magistrate Judge (Doc. #3), and having overruled the Plaintiff's Objections to said judicial filing (Doc. #5), the Clerk is ordered not to issue process.

The captioned cause is hereby ordered terminated upon the docket records of the United States District Court for the Southern District of Ohio, Western Division, at Dayton.

March 28, 2008

/s/ Walter Herbert Rice

WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

Copies to:

Robert W. Brown, Pro Se
and
Any Counsel of Record